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October 15, 2019

Via E-file

Honorable Kevin McNulty, U.S.D.J.
Martine Luther King Jr.
Federal Building & Courthouse
50 Walnut Street, Room 5054
Newark, NJ 07102

Re: Duquene Pierre v. State of New Jersey, Department of Treasury, et al.
Civil Action No. 2:18-cv-3443-JLL-CLW

Dear Judge McNulty:

As Your Honor is aware, our office represents the plaintiff in the above-captioned action. On July 10, 2019, Plaintiff Duquene Pierre and Defendant State of New Jersey, Treasury Department, reached an agreement to settle this case solely under Count I of the Complaint, which alleged the cause of action provided by the Mistaken Imprisonment Statute pursuant to N.J.S.A. 52:4C-1, et. seq. As a result of this agreement, Plaintiff Pierre also agreed to dismiss all causes of action asserted against Defendants Union County Prosecutor's Office, Edward Neafsey, Edward Johnson, John Furda, William Kolano, Robert Baer and Ann Rubin.

The terms of this settlement agreement were placed on the record before the Honorable Cathy Waldor, U.S.M.J. on July 10, 2019 in the presence of the Plaintiff Duquene Pierre and counsel for the above mentioned defendants, Deputy Attorney General Robert J. McGuire. This office has been in frequent communication with DAG McGuire regarding the settlement. This office prepared a release which was sent to DAG McGuire for signature on behalf of the State of New Jersey. Instead, DAG McGuire prepared its own release for our review. The Plaintiff reviewed that Release, signed same and returned it to DAG McGuire. There were lien issues that arose and have been resolved. We are now in a 12 week waiting period (Since approximately September 5, 2019) for the settlement check to arrive, at which time we will file a Stipulation of Dismissal on behalf of the above named defendants only.

On July 10, 2019, this settlement was placed on the record and counsel specifically stated that this settlement did not include an agreement to dismiss the defendants Thomas J. Butler, Jr., Esq., David V. Conti, Jr., Esq., Law Office of David Conti, Butler & Conti, Conti & Conti, P.C., and Thomas Koczur. Plaintiff Pierre intends to proceed against these defendants in this action. Defendants County of Union, City of Elizabeth, Elizabeth Police Department, John Luby, David DeRosa and William McCue have been dismissed pursuant to Court Orders issued as a result of motions filed by defense counsel.

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At this time, we ask that the court vacate the administrative termination of this action without the necessity of filing a motion.

I will contact the court staff regarding this request. Thank you for your attention to this matter.

Respectfully yours,



Michael T. Simon

cc: Honorable Cathy Waldor, U.S.M.J. (via Pacer only)
Deputy Attorney General Robert J. McGuire (via Pacer only)
Robert F. Varady, Jr., Esquire (via Pacer only)
Edward Kologi, Esquire (via Pacer only)
Jorge Cruz, Esquire (via Pacer only)
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